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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/506,458	02/17/00	ORNSTEIN	M ORN 3.0-002
		QM12/0823	EXAMINER
			LAYNO, B
		ART UNIT	PAPER NUMBER
		3711	2
		DATE MAILED:	08/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/506,458</b>	Applicant(s) <b>Marvin Ornstein</b>
	Examiner <b>Benjamin H. Layno</b>	Group Art Unit <b>3711</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 1-28 is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Reissue Applications***

1. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action. If there is no assignee the inventor must affirmatively so state.

#### **MPEP 1410.01.**

2. The original ribboned copy of the patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

### ***Reissue Oath/Declaration***

3. The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

The reissue declaration does not state whether the inventor is a sole or joint inventor of the invention claimed as required by 37 CFR 1.63 (a)(4).

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4. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.
5. The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.
6. The Reissue Application Serial No."08/718,431" recited in paragraph 2 of the reissue declaration is inaccurate. Correction is required.
7. Claims 1-28 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.
8. Claims 1-28 avoid the art for the following reasons:

The patent to Boylan et al. discloses a method for playing blackjack having wagering areas for placing bets for consecutive wins. The patent to Green and the game "Blackjack Introduced At Table Mountain" in The Fresno Bee article both disclose blackjack games wherein a player wins a large payout or bonus if the player wins a consecutive number of blackjack games. The

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patent to Hobert discloses a craps game wherein players may place bets that a specific sequence of numbers will appear on a consecutive number of dice rolls. None of the cited references alone or in combination teach the claimed steps of “a player making a bet selecting a predetermined number of consecutive wins by placing the bet in one of a predetermined group of consecutive win bet receiving regions”, “placing the streak chip upon the chip receiving region identifying two consecutive wins to be attempted when the player has won the first game”, and “transferring the streak chip to successively higher numbered consecutive win bet receiving regions until the streak chip is placed upon the consecutive win bet receiving area in which the consecutive win bet was originally placed”.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815.

For **official** fax communications to be officially entered in the application the fax number is (703) 305-3579.

For **informal** fax communications the fax number is (703) 308-7768.

Any inquiry of a general nature or relating to the **status of this application** or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.

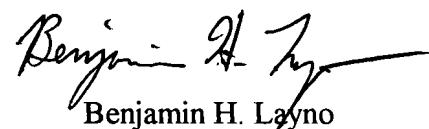
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bhl

August 22, 2000



A handwritten signature in black ink, appearing to read "Benjamin H. Layno".

Benjamin H. Layno

Primary Examiner

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